

DOCKET NO.: DIBIS-0003US  
Application No.: 09/891,793  
Office Action Dated: August 11, 2005

PATENT

100. (previously presented) The method of claim 85 wherein the conserved regions have between 80-100% sequence identity among the one hundred or more bacterial bioagents.

### REMARKS

Claims 69-100 are pending in the instant patent application. The Office Action asserts that the application contains claims directed to four patentably distinct species of the claimed invention. Applicants respectfully disagree with this characterization. However, to further their business interests, applicants elect the following species:

Group A: The genus name elected in claims 72 and 88 is Acinetobacter.

Group B: The modified nucleobase elected in claims 81 and 97 is propyne T.

Group C: The biological warfare agent elected in claims 83 and 99 is Bacillus anthracis

Group D: The activity elected in claims 70 and 86 is transcription.

There are no pending dependent claims depending from any of the non-elected species. Applicant notes the Office Action statement that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 CFR 1.141.

### CONCLUSIONS

In view of the foregoing, Applicants respectfully submit that the application is in condition for prosecution on the merits. The Examiner is invited to contact Applicant's undersigned representative at (760) 603-2473 if there should be any additional questions regarding this response.

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Respectfully submitted,

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Date: 1/20/2006

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